

Regulations Governing Pupil Transportation

Revised – January, 2004

Part I – Definitions.

8 VAC 20-70-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Color-black" means federal standard No. 595, black.

"Color-yellow" means national school bus yellow SBMTC color standard 008.

"Nonconforming bus" means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR Part 571, specific to school buses. These vehicles are not approved for transporting students to and from school or school-related activities.

"School bus" means any motor vehicle described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D," which is designed and used for the transportation of pupils, which is painted yellow with the words "School Bus" in black letters of specified size on the front and rear, and which is equipped with the required warning devices as stated in Section 46.2-100 of the Code of Virginia.

Note: This definition includes school buses owned and operated by school boards, private contractors, local governments, and transit systems that are used for the transportation of public school pupils.

"Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs.

"Type A school bus" means a van conversion or bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. The entrance door is behind the front wheels. This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) less than or equal to 10,000 pounds; and Type A2, with a GVWR greater than 10,000 pounds.

"Type B school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR less than or equal to 10,000 pounds; and Type B2, with a GVWR greater than 10,000 pounds.

"Type C school bus" means a bus with a body constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels.

"Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.

PART II

GENERAL REGULATIONS

8 VAC 20-70-20. Transportation of children.

The greatest care shall be exercised at all times in the transportation of school children.

8 VAC 20-70-30. Safe speeds.

A school bus transporting school pupils shall be operated at a safe speed as stated in § 46.2-871 of the Code of Virginia.

8 VAC 20-70-40. Seating.

The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment, and shall not exceed the manufacturer's capacity. During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat. Pupils may not be permitted to stand after the first 30 instructional days, except under unforeseen emergency conditions as identified by the local school board.

8 VAC 20-70-50. Written employment agreement.

A written employment agreement shall be made by the school board with all regular school bus drivers before they begin their duties. Substitute drivers shall meet the requirements prescribed for regular bus drivers and shall be approved and paid by the local school board.

8 VAC 20-70-60. Entrance door.

The school bus driver shall open and close the entrance door and keep it securely closed while the bus is in motion. This responsibility shall not be delegated to any other person.

8 VAC 20-70-70. Traffic warning devices.

Every school bus operated at public expense for the purpose of transporting school children shall be equipped with traffic warning devices as stated in §§ 46.2-1090 and 46.2-1090.1 of the Code of Virginia.

8 VAC 20-70-80. Loading or discharging pupils.

When loading or discharging pupils on the highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. Pupils shall be picked up and discharged only at designated school bus stops approved by the local school division except in the case of an emergency. While stopped, the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before

reaching a position in line with the left side of the bus, and wait for a hand signal from the bus driver before starting across the highway.

On dual highways divided by a physical barrier, unpaved area, or five lane highway with turning lane, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live. See Sections 46.2-893 and 46.2-918 of the Code of Virginia.

8 VAC 20-70-90. Safety belts.

Persons operating a school bus shall wear the appropriate safety belt system while bus is in motion.

8 VAC 20-70-100. Passenger restraint belts.

Pupils riding in school buses required by federal law to be equipped with passenger restraint belts shall wear them as required by state or federal law while the bus is in motion. See Federal Motor Vehicle Safety Standards No. 209 and 210.

8 VAC 20-70-110. Pupil rider safety instruction.

Pupil rider safety instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.

1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year.
2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester. Summer session evacuation drills should be performed as needed.
3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

8 VAC 20-70-120. Insurance.

Every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident as stated in Section 22.1-190 of the Code of Virginia.

8 VAC 20-70-130. Maintenance inspection.

All school buses and school activity vehicles used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics immediately before being used in the fall and at least once every 30 operating days or every 2,500 miles traveled. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, March 2003" and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent.

Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.

8 VAC 20-70-140. Crash/incident reporting.

A report, on forms or in a format furnished by the Department of Education, of any crashes or incidents involving school buses, pupils, and personnel who ride school or activity buses (including injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash or incident, and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash or incident involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash or incident.

A crash occurs when property damage is \$1,000 or more or when persons are injured. An incident occurs when property damage is \$999 or less and there are no injured individuals.

8 VAC 20-70-150. Route schedule.

All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, and the time of arrival at school. One copy of such schedule shall be kept in the bus and one copy shall be kept in the office of the division superintendent or designee.

8 VAC 20-70-160. Review of routes.

School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least once each year. Bus routes shall be reviewed for safety hazards, fuel conservation, and to assure maximum use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results annually to the school board. Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes.

A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.

8 VAC 20-70-170. Railway crossings.

School buses shall stop, as required by law, at railway grade crossings. The 4-way hazard lights shall be activated when approaching the railway grade crossing and deactivated before crossing the track. The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a police officer or a green traffic-control signal as stated in Section 46.2-886 of the Code of Virginia.

8 VAC 20-70-180. Driver reports.

School boards shall require that a report on the number of pupils transported and miles traveled be made by all school bus drivers to principals or other designated school officials.

8 VAC 20-70-190. Policies.

Local school boards shall adopt policies, consistent with provisions of the Code of Virginia before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the pro rata cost of the trip may be denied the opportunity to participate. See § 22.1-176 of the Code of Virginia.

8 VAC 20-70-200. Identification and lights covering.

The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when they are used for purposes other than to transport pupils on regular routes to and from school, or on special trips to participate in contests of various kinds, and for supplementary education purposes as required by § 22.1-183 of the Code of Virginia. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons.

8 VAC 20-70-210. Advertising material.

The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses unless permitted by state law.

8 VAC 20-70-220. Passage restriction.

No object shall be placed on any bus carrying passengers that will restrict the access to any exit.

8 VAC 20-70-230. Required materials.

All vehicles used to transport students to and from school or school-related activities shall carry reflective triangles, first aid kit, body fluid clean-up kit and fire extinguisher.

8 VAC 20-70-240. Funding for pupil transportation.

Funding for pupil transportation shall be pursuant to the provisions of the appropriation act.

PART III. REQUIREMENTS FOR SCHOOL BUS DRIVERS.

8 VAC 20-70-280. Requirements for school bus drivers both for employment and continued employment.

Sections 22.1-178, 46.2-339, and 46.2-340 of the Code of Virginia require drivers of school and activity buses to:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish on a form prescribed by the Board of Education showing the results of such examination.

- a. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor or a licensed nurse practitioner for the applicable employment period.
 - b. The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.
2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-497 of the Code of Virginia.
 3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.
 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-339 of the Code of Virginia.
 5. Be at least 18 years old.
 6. Submit to testing for alcohol and controlled substances that is in compliance with the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143, Title V) as amended and is in compliance with 49 CFR Parts 40 and 382.

8 VAC 20-70-290. First aid course.

Any school board may require successful completion of the American Red Cross first aid course or its equivalent as a condition to employment to operate a school bus transporting pupils as required by § 22.1-178 of the Code of Virginia.

8 VAC 20-70-300. Required documents.

The documents required pursuant to 8 VAC 20-70-280 shall be furnished annually prior to the anniversary date of the employment to operate a school bus.

8 VAC 20-70-310. Filing.

The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

8 VAC 20-70-320. Forms for applicants.

The Department of Education shall furnish to the division superintendents the necessary forms for applicants to use to provide the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistakes, and furnish all parties involved with a complete and accurate record of the information required.

8 VAC 20-70-330. Health certificate.

As a condition to employment, every school and activity bus driver shall submit a certificate signed by a licensed physician stating that the employee appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

8 VAC 20-70-340. Highway driving.

No person shall drive a school or activity bus upon a highway in the Commonwealth unless such person has had a reasonable amount of experience in driving motor vehicles, and shall have passed a special examination indicating the ability to operate a school bus without endangering the safety of pupil passengers and persons using the highway as stated in Section 46.2-339 of the Code of Virginia. To prepare for the examination required by this section, any person holding a valid operator's license and Commercial Driver's License (CDL) Instruction Permit issued under the provisions of § 46.2-325 of the Code of Virginia, may operate, under the direct supervision of a person holding a valid school bus license endorsement, a school bus that contains no pupil passengers. The Department of Motor Vehicles is required to adopt such rules and regulations as may be necessary to provide for the examination of persons desiring to qualify to drive such buses in this Commonwealth and for the granting of permits to qualified applicants.

8 VAC 20-70-350. Training.

No person shall operate a school or activity bus transporting pupils unless the person has:

1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with a program developed by the Department of Education pursuant to § 22.1-181 of the Code of Virginia.
2. Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 hours of the 24 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the direct supervision of a designated bus driver trainer. All drivers shall receive training in the operation of a Type D bus and transportation of students with special needs.

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school or activity bus.

8 VAC 20-70-360. In-service training.

In-service training (at least two hours before opening of schools and at least two hours during the second half of the school year) devoted to improving the skills, attitudes, and

knowledge including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers.

8 VAC 20-70-370. Supervision.

The drivers of school and activity buses shall be under the general direction and control of the superintendent or designee, and shall also be accountable to the principal of the school to which transportation is provided.

8 VAC 20-70-380. Pre-trip safety inspection.

The drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle prior to transporting children. The items checked and recorded shall be at least equal to the pre-trip inspection procedure as prescribed by the Department of Education.

8 VAC 20-70-400. Evaluation.

Each school and activity bus driver shall be evaluated by the transportation director or designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

8 VAC 20-70-410. Emergency equipment.

The driver of activity or extracurricular trip buses shall advise the pupils and/or sponsors of the location of the required emergency equipment and exits prior to the beginning of any such trip.

8 VAC 20-70-420. Instructor course certificate.

Local school bus driver training instructors shall hold a certificate for completion of an instructor course conducted or approved by the Department of Education and shall attend a recertification course every five years.

8 VAC 20-70-430. Driver data.

The names and driver license numbers of persons operating school and activity buses used to transport pupils shall be submitted to the Department of Motor Vehicles annually as required by § 46.2-340 of the Code of Virginia.

8 VAC 20-70-440. Responsibility for compliance.

The responsibility for compliance with the school bus and activity vehicle specifications issued by the Department of Education rests with dealers and manufacturers. If any dealer or manufacturer sells school buses or school activity vehicles that do not conform to any or all of the specifications issued by the Department of Education, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

Dealers and manufacturers shall be given at least 30 days' notice of any changes in the specifications.

8 VAC 20-70-450. Minimum standards.

Minimum standards are applicable to all school buses and school activity vehicles, new or used, procured by purchase, lease or operational contract from another person or entity.

PART IV. GENERAL REQUIREMENTS FOR SCHOOL BUSES IN VIRGINIA.

8 VAC 20-70-460. Specifications.

It is the intent of the Board of Education to accommodate new equipment and technology that will better facilitate the safe and efficient transportation of students. When a new technology, piece of equipment, or component is desired to be applied to the school bus, it must have the approval of the Virginia Department of Education and must meet the following criteria:

1. The technology, equipment, or component shall not compromise the effectiveness or integrity of any major safety system.
2. The technology, equipment, or component shall not diminish the safety of the interior of the bus.
3. The technology, equipment, or component shall not create additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone.
4. The technology, equipment, or component shall not require undue additional activity or responsibility for the driver.
5. The technology, equipment, or component shall generally increase efficiency or safety, or both, of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus, or shall generally assist the driver and make his many tasks easier to perform.

Buses and school activity vehicles must conform to the specifications relative to construction and design effective on the date of procurement. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Department of Education, is prohibited. The Department of Education shall issue specifications and standards for public school buses to reflect desired technology or safety improvements for the then current model year.

8 VAC 20-70-470. Adjustments.

The Superintendent of Public Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.

8 VAC 20-70-480. Bus identification.

All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the standards and specifications. A yellow school bus may have a white roof provided the vehicle is painted in accordance with specifications.

8 VAC 20-70-490. Purchase.

The responsibility for purchasing school buses and school activity vehicles which meet state and federal requirements rests with division superintendents and local school boards.

A schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.

8 VAC 20-70-500. Sale of surplus school buses.

A. Before a surplus school bus is sold or released for nonschool transportation purposes, the bus shall have the traffic warning signal system and crossing control arm removed and all school bus lettering shall be covered by an opaque paint. A written notice shall be attached to the Certificate of Title stating that the vehicle does not meet the requirements of ' ' 46.2-100 and 46.2-1089 and that its operation on the highway would be in violation of ' 46.2-917, Code of Virginia.

8 VAC 20-70-510. Vehicles powered by alternative fuels.

A. The Board of Education will continue to promote the use of alternative fuels for school buses. Any vehicle powered by alternative fuels will be subject to inspection and approval by the Virginia Department of Education.

B. Local school divisions, in consultation with the Department of Education, may purchase and use school buses using alternative fuels as covered in § 22.1-177 of the Code of Virginia.

C. Installation of alternative fuel tanks and fuel systems shall comply with all applicable Federal Motor Vehicles Safety Standards (FMVSS) 301, 49 CFR § Part 571, and all applicable fire codes.

D. A sign with black letters on clear or school bus yellow background, indicating the type of alternative fuel being used, may be placed on the side of the bus near the entrance door. No sign shall be more than 4-3/4 inches long or more than 3-1/4 inches high.

PART V. ACTIVITY VEHICLES.

8 VAC 20-70-525. Regulations and standards.

Activity vehicles owned or operated under contract by or for the school board, which are used solely to transport pupils to and from school activity events, shall comply with all

applicable regulations and standards prescribed for school buses except as noted in this part.

1. Exceptions, general regulations.

a. An activity vehicle transporting school pupils shall be operated at a safe, legal speed not in excess of 55 miles per hour.

b. No standees shall be permitted.

c. The eight-inch school bus lettered identification and traffic warning devices shall be removed by the local school division as required by §§ 46.2-100 and 46.2-1090 of the Code of Virginia. The name of the school division or individual school shall be placed on both sides of the vehicle.

d. Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

2. Exceptions, minimum standards for school buses in Virginia.

a. School activity vehicles shall not be painted national school bus yellow.

b. Other types of seats and increased spacing may be used provided all provisions of FMVSS 222, 49 CFR § 571.222, are met.